

Notice of Allowability

Application No.

10/099,756

Applicant(s)

FARNSWORTH ET AL.

Examiner

Arthur L Corbin

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08-30-04 Amendment, Remarks and 132 Declarations and Exhibits.
2. ☒ The allowed claim(s) is/are 1-25, 27 and 29-32.
3. ☒ The drawings filed on 18 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10-25-02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 09-28-04
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Schneider on September 28, 2004.

3. In each of claims 1, 14, 16, 31 and 32 (renumbered 1, 13, 17, 29 and 30, respectively), change "corresponding FD&C dyes" to—xanthine, monoazo, pyrazolone, triphenylmethane and indigoid color compounds--. In claim 1, line 6, cancel "or" (1st occurrence) and change "or" (2nd occurrence) to—and--.

In claim 11 (renumbered claim 15), line 5, cancel "and...color" and line 9, after "and" add—then--. In claim 16 (renumbered claim 17), line 8, cancel "or" (1st occurrence) and change "or" (2nd occurrence) to—and--. In claim 21 (renumbered claim 22), last line, after "fried" add—and wherein the potato pieces also contain a food grade color selected from the group consisting of, individually or in combination, xanthine, monoazo, pyrazolone, triphenylmethane, indigoid color compounds and aluminum salts of xanthine, monoazo, pyrazolone, triphenylmethane and indigoid color compounds extended on a substratum of alumina hydrate--.

In claim 22 (renumbered claim 23), change "26" to—21--. Cancel claims 26 and 28. In claim 30 (renumbered claim 28), line 7, after "and" add—then--.

Art Unit: 1761

4. In the Abstract of the Disclosure: line 4, change "corresponding FD&C dyes' to—
xanthine, monoazo, pyrazolone, triphenylmethane and indigoid color compounds--.
5. In the title of the application, after "Product" add—And Method of Making--.
6. An extension of time under 37 CFR 1.136(a) is required to place this application
in condition for allowance. During a telephone conversation conducted on September
28, 2004, Mr. Schneider requested an extension of time for a fourth MONTH(S) and
authorized the Director to charge Deposit Account No. 02-4800 the required fee of
\$1480 for this extension.
7. Any inquiry concerning this communication from the examiner should be directed
to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can
generally be reached on Monday--Friday from 10:30 to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.

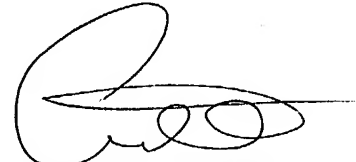
Application/Control Number: 10/099,756

Page 4

Art Unit: 1761

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.L. Corbin/dh
September 29, 2004



ARTHUR L. CORBIN
PRIMARY EXAMINER

9-29-04